

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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UNITED STATES OF AMERICA,)

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Plaintiff,) No. 4:13-CR-101 JAR

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v.)

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DANIELA SPIRIDON,)

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Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon its review of the record. On December 6, 2013, Plaintiff United States of America filed its Motion to Dismiss Third Party Petitioner Namroud Investment, LLC's Petition for Hearing to Adjudicate Interest in Forfeited Property ("Petition"; ECF No. 54). On December 27, 2013, the Court issued a show cause order and gave Namroud Investment, LLC until January 13, 2014 to respond to the Petition. (ECF No. 56). To date, Namroud Investment, LLC has not responded to the Court's show cause order.

The Court finds that Namroud Investment, LLC's Petition must be dismissed for several reasons. First, it appears that Namroud Investment, LLC is not represented by counsel. The Petition was signed by managing member Naser Abdallat, who does not indicate he is an attorney. Corporations cannot appear in federal court except through a licensed attorney. Ackra Direct Mktg. Corp. v. Fingerhut Corp., 86 F.3d 852, 857 (8th Cir. 1996)(“the law does not allow a corporation to proceed *pro se*”)(citing 28 U.S.C. § 1654). Further, the Court finds that Namroud Investment, LLC, as a victim, is at most an unsecured creditor who lacks standing to claim the forfeited subject property in the ancillary proceeding. See United States v. White, 675

F.3d 1073, 1080 (8th Cir. 2012) (“general creditor does not have standing to claim an interest in a particular forfeited asset”).

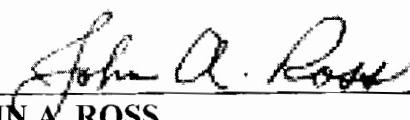
Namroud Investment, LLC, however, can file a proof of loss with the Court that it will consider at the time of sentencing. Such proof of loss will be considered when the Court determines what restitution Defendant owes and to whom.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff United States of America’s Motion to Dismiss Third Party Petitioner Namroud Investment, LLC’s Petition for Hearing to Adjudicate Interest in Forfeited Property [54] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Memorandum and Order to Namroud Investment, LLC, 16541 Gothard Street, Suite 201, Huntington Beach, CA 92647.

Dated this 28th day of February, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE